

Mr. Darryl Hughes
REG# 10662-067
FCI Schuylkill
POB 759
Minersville, Pa. 17954

THE HONORABLE
Judge Yvette Kane
U.S.D.J.
U.S. Dist. Court
For The Middle Dist. Of Penna.
228 Walnut St.
POB 983
Harrisburg, Pa. 17108

RE: Case No. 1:CR-01-148-01

Dec. 1, 2004

FILED
HARRISBURG, PA

REQUEST FOR THE APPOINTMENT
OF COUNSEL VIA JUDICIAL
ASSISTANCE

Dear Judge Kane:

DEC 09 2004

MARY E. D'ANDREA, CLERK
Per *[Signature]*

Originally having thought that I had to resign myself to a rather lengthy prison stay due to my plea bargain involving a drug and weapons related charge and indictment; it has come to my considered attention after much study and questioning on my part as the result of my admitted, total ignorance as to the law that there are several defective points in my original court processing and eventual sentencing. As the result of these demonstrable factors, I have been told and I have seen that I stand an excellent chance of receiving a new, reduced sentence should I be able to effectively present my case before the Federal Courts. Hence my brief explanation herein via letter to you in the hope of engaging new counsel through appointment, and actively pursuing the above concept.

It has been brought to my attention and I finally understand that I must bring this matter before you for this purpose. I was previously told this by the Public Defender's Office as can be seen via the enclosed Exhibit "B", but I did not know how to act upon this advice until now. I presumed that I needed a lawyer in order to petition your office and I have no money to do so. I now find out that I can contact you directly. My enclosed evidence would support your intervention for me and it shows that I should receive new counsel, etc. I have additionally received assistance in the composition of this letter.

Seeking to obtain true justice for myself following among other occurrences; my original lawyer's "self-admitted" ineffective legal assistance to me (in written, confessed form after my adjudication as can be seen in Exhibit "A", his letter to me) and a variety of improper enhancements, and even erroneous indictment construction,

and information and alike, I do not really know where else to turn for assistance. I have no funds with which to engage an attorney, yet I do not think that this should prevent me from obtaining justice and fairness. I am sure that you would agree.

Although without money, I indeed have a great chance and promise to change the face of my case and sentence based on solid and arguable legal grounds. I am only a mere layman as to the law and I must also obtain full transcripts of my case and sentencing to further prove my points. With a Public Defender I can obtain this material.

In my case, I was sentenced after Apprendi and before Blakely, Fanfan the Booker and Shepard cases. It was a difficult time for me wherein due to my ignorance as to the law, my former addicted life style and the impairment which went with it and my unawareness as to how the entire legal process should work, as well as my obviously distressed state of mind and body; that I was extremely naive and ill-prepared concerning legal advice, bad suggestions by my then lawyer and as a result foolishly and also coerced under the government's additional threats of further prosecution, etc. into unknowingly, very involuntarily and blatantly unintelligently led to sign a very poor and outright false in the greater part, plea agreement. Its background follows in sketch form, briefly below.

For example, and among other points I unwittingly signed to a totally incorrect and outlandishly unproveable drug quantity of the government's own invention. An improper inclusion of a firearm(which in reality was a legally registered, personal weapon that I had for some time, which I was also legally allowed to carry and which was documented as never, ever used in the alleged crime to which I pled) was an addition to the indictment as if it were used in the commission of my drug crime (which it was not... it was only present, properly stored in my vehicle with a permit) and I was threatened by the government with their retaliation if I challenged any part of their very one-sided agreement. This being with further prosecution, etc.

My goal here however, with all of this said, is only to fairly reduce my present sentence time. I am clean from drugs now and I have realized, with a now clear mind that I am far better off in a different and rehabilitated lifestyle as a productive and positive member of society. I would be well-satisfied with a reduction considering that I already have several years in of time. Any reduction would of course allow me to rejoin with loved ones and resume a better lifestyle once again. There could be nothing better, quite frankly. I thank you in advance for your kind consideration.

So with this said and with family concerns in my heart, I would respectfully request your assistance in obtaining legal counsel via the Public Defender's Office so that we could study my case. There is so very much to be explained and be documented. In the meantime I wish you and yours, Your Honor the very best of the Holiday Season. As you spend time with them, you can see how I would hope to one day logically and fairly so, spend time with my family as well.

Very Truly Yours,

Darryl Hughes
FCI SCHUYLKILL



PAUL BRADFORD ORR

LAW OFFICES

50 EAST HIGH STREET, CARLISLE, PA 17013

PHONE (717) 258-8558

FAX (717) 258-5289

EXHIBIT "A"

Page 1

Paul Bradford Orr, Esquire
Gregory L. Cutler, Esquire*

Heather L. Smith-Orr, Paralegal

Email: Orriaw@aol.com

*Also Admitted to Maryland Bar

February 10, 2003

Mr. Darryl Hughes
Inmate # 10662-067
FCI Schuylkill
PO Box 759
Minersville, PA 17954-0759

Dear Darryl (Sneakers):

First and foremost, I apologize for not writing you sooner. All hell has broken loose around here in that my associate, Gregory L. Cutler, Esquire, has ~~been~~ been re-designated Captain Gregory L. Cutler, United States Army active duty shipping out for combat duty in parts unknown... In any event, it has placed a bit of a toll on the office and bike week 2003 will not arrive soon enough!

I was happy to hear that some of the VMV members have been keeping in touch with you. Additionally, it is good to know that Lori is visting you on a regular occasion!

With regards to any Federal Appeal issues, I am afraid you might do better off contacting the Federal Public Defender's Office. First and foremost, he or she may well be able to find a "loophole" in that my representation was not very "effective". Further, the Federal Public Defenders are full time Federal criminal defense attorneys who handle Federal cases day in and day out. In retrospect, I feel that I did you a disservice, at least on the Federal level, when I agreed to take your case. Honestly Sneakers from talking to a few other attorneys who do practice Federal law, I have gotten the impression that a better guilty plea should have been, or could have been, negotiated on your behalf. For that I cannot apologize to your enough... What I did agree to do however was reduce your outstanding legal bill down to a much more reasonable \$400.00 rather than the approximately \$4,000.00 previously invoiced to you. My calculations reflect that after all payments, including the \$400.00 I am sending to Lori today, my services were provided at a rate of approximately \$20.00 per hour... Needless to say, my own opinion is that that was probably all that they were worth...

Seriously, submit a formal written request to the Federal Public Defender's Office requesting that someone review your file for ineffective assistance of counsel. Additionally, inform them that at the time of your plea your hearing was significantly impaired and further, you were advised by legal counsel that your sentence would most likely be reduced in half if you served three or four years without any prison disciplinary actions. Finally, it is my recollection, and I believe I have notes in the file to the affect that you may have been under the influence of illegal substances and/or alcohol at the time of your plea. I have handwritten notes in my file that you had the distinct odor of alcohol on your breath and

EXHIBIT "A"

Page 2

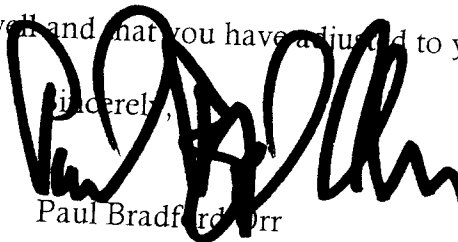
Mr. Darryl Hughes
February 10, 2003
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person on two separate occasions when we appeared before the Federal Judge who both took your plea and sentenced you. Unfortunately, I did not date those notes contained within my file.

In closing, please seriously consider my above apology and further, take immediate steps to follow the suggestions outlined above.

Otherwise, I hope all is well and that you have adjusted to your confinement.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Bradford Orr", is written over the typed name. The signature is stylized and cursive.

Paul Bradford Orr

PBO:ho

MIDDLE DISTRICT OF PENNSYLVANIA
100 CHESTNUT STREET, SUITE 306
HARRISBURG, PENNSYLVANIA 17101-2540
TELEPHONE: (717) 782-2237
FAX: (717) 782-3881

EXHIBIT "B"

FEDERAL PUBLIC DEFENDER
JAMES V. WADE

ASSISTANT FEDERAL DEFENDERS
DANIEL I. SIEGEL
LORI J. ULRICH
THOMAS A. THORNTON

March 24, 2003

Darryl Hughes
Reg. No. 10662-067
FCI Schuylkill Unit 3-B
P.O. Box 759
Minersville, PA 17954-0759

RE: *Legal Assistance*

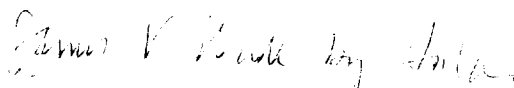
Dear Mr. Hughes:

I am in receipt of the letter you sent to the Defender Association of Philadelphia dated February 14, 2003. It is my understanding that you are seeking assistance in filing a direct appeal and/or a habeas corpus petition. Unfortunately, my office cannot represent individuals without court appointment.

Under the Criminal Justice Act, our appointment is at the discretion of the court. In other words, the court may appoint but is not required to do so. Until the court appoints this office to represent you, I cannot give you legal advice or file anything on your behalf. However, you may file a Petition for Writ of Habeas Corpus *pro se*. I am enclosing a \$2255 form petition for your use. At the time you file your petition, you should also request appointment of counsel.

Best of luck to you.

Sincerely,

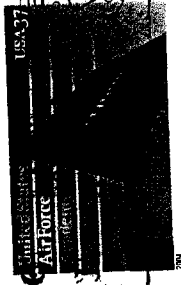


James V. Wade
Federal Public Defender

JVW:hnl
Enclosure
cc: Joseph Miller (w/o encl.)

Darryl Hughes
REG# 10662-067

FCI Schuylkill
P.O. Box 759
Minersville, PA 17954-0759



TO THE HONORABLE

Judge Yvette Kane

U.S.D.J. For The Middle Dist. Of Pa.

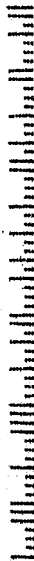
228 Walnut Street

P.O.B. 983

Harrisburg, Pa. 17108

LEGAL MAIL

17108-0983



LEGAL MAIL